

REMARKS

Claims 1-32 are pending in the application. Claims 1-31 were rejected under 35 U.S.C. § 103 (a).

Rejections Under 35 U.S.C. § 103 (a)**Rejection Under Salvage, Mikhailov, Battle, Murto and Hutton**

Claims 1-6, 8-14, 17-24, 26-29 and 30 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2001/0009014 issued to Savage et al. dated July 19, 2001 in view of U. S. Patent Application Number 2002/0080949 issued to Mikhailov dated June 27, 2002, and further in view of U. S. Patent Number 6,081,592 issued to Battle on June 27, 2000 and U. S. Patent Number 5,966,662 issued to Murto on October 12, 1999 and U. S. Patent Number 7,221,753 issued to Hutton on May 22, 2007.

Applicant has avoided this ground of rejection for the following reasons.

First, applicant's claim 1, as amended, now recites,

"one or more application server components that transmit one or more user inputs to one or more telephony devices on a call through employment of one or more data streams associated with the call, the one or more application server components being in one or more networks that communicate with other networks via one or more call control protocols, and at least one of the one or more call control protocols is a Bearer Independent Call Control (BICC) protocol;

wherein at least one of the one or more application server components is customer premise equipment operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment; and

wherein the one or more application server components establish the one or more data streams via employment of a) one or more data stream request messages and b) one or more identifiers which distinguish calls associated with the one or more application server components, and wherein the one or more application server components select the one or more identifiers through employment of one or more methods, and at least one of the one or more methods is a priority selection method."

As stated in the Office Action, Savage, Mikhailov, Battle and Murto do not teach or suggest application servers as customer premise equipment. This is because Savage and Mikhailov disclose network based servers. See paragraph 0040 of Salvage and FIGs. 2-4 of Mikhailov. Battle discloses web servers which are also network based. Murto does not disclose servers.

Second, applicant agrees that Hutton discloses servers as customer premise equipment, as stated in column 5, lines 4-16. However, the data stream control protocol used for communication between the customer premise devices is Transmission Control Protocol/Internet Protocol (TCP/IP). See column 5, lines 24-33. By contrast, applicant's claim 1 requires application server components as customer premise equipment to communicate through employment of SIP. Thus, Hutton, similar to Savage, Mikhailov, Battle and Murto, is missing the "wherein at least one of the one or more application server components is customer premise equipment operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment" elements, as recited in applicant's claim 1.

Applicant notes that Hutton discloses SIP, however SIP is used for third party control/call interrupt rather than communication between customer premise devices, i.e., application servers, as required by applicant's claim 1. See column 17, lines 15-23.

Therefore the proposed combination of Savage, Mikhailov, Battle, Murto and Hutton does not teach or suggest all of the limitations in applicant's claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2-14 and 21-31 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Independent claims 17 and 20 each have a limitation similar to that of independent claim 1, which was shown is not taught by the proposed combination. For example, claims 17 and 20 recite, "wherein at least one of the one or more application server components is customer premise equipment operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment". The proposed combination does not teach or suggest this limitation for the above-mentioned reasons. Therefore,

claims 17 and 20 are likewise allowable over the proposed combination. Since claims 18-19 depend from claim 17, these dependent claims are also allowable over the proposed combination.

Rejection Under Salvage, Mikhailov, Battle, Murto, Hutton, Cloutier and Chang

Claims 7, 15-16 and 25 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Savage in view of Mikhailov, Battle, Murto and Hutton, and further in view of U. S. Patent Application Number 2004/0015405 issued to Cloutier et al. dated January 22, 2004.

Claim 31 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Savage in view of Mikhailov, Battle, Murto and Hutton, and further in view of U. S. Patent Number 5,958,016 issued to Chang.

Applicant respectfully traverses these grounds of rejection.

Claims 7, 15-16, 25 and 31 depend from independent claim 1. As noted hereinabove, Savage, Mikhailov, Battle, Murto and Hutton do not teach or suggest "wherein at least one of the one or more application server components is customer premise equipment operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment", as recited in applicant's independent claims 1, 17 and 20. Cloutier and Chang do not teach or suggest the elements either. Thus, claims 7, 15-16, 25 and 31 are allowable over the proposed combinations of Savage, Mikhailov, Battle, Murto, Cloutier and Chang under 35 U.S.C. § 103 (a).

New Claim

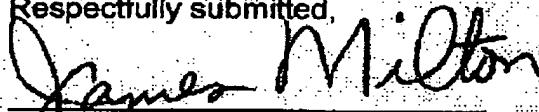
New claim 32 has been added. Claim 32 provides an additional limitation directed to the at least one of the one or more application server components. No new matter has been added.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,



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